

REMARKS

This communication is in response to the final Office Action dated April 9, 2009. In the Office Action, claims 1, 5-29, and 32-38 were pending and were rejected. With this Amendment, claims 1, 19, and 27 have been amended. All remaining claims are unchanged. In view of the following, reconsideration and allowance are respectfully requested.

Claim Amendments

Claims 1, 19, and 27 have been amended in view of recent developments regarding statutory subject matter and the requirements of 35 U.S.C. § 101. The amendments to claims 1, 19, and 27 have been made voluntarily and not in view of any prior art. The amendments to these claims do not necessitate a new search. Applicant respectfully requests entry of these amendments under 37 C.F.R. 1.116.

Claim Rejections -35 USC § 103

Claims 1, 5-7, 13-18, 25-29, and 37-38 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Williams et al. (U.S. Patent Publ. 2003/0212561 – hereinafter “Williams”). Claims 8-10, 12, 19, 21-22, 32-34, and 36 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Williams in view of Nakagawa et al. (U.S. Patent No. 7,424,429 – hereinafter “Nakagawa”). Claims 11, 23, and 25 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Williams in view of Nakagawa and Gorin et al. (U.S. Patent No. 7,003,459 – hereinafter “Gorin”). Claim 20 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Williams in view of Nakagawa and further in view of Aust et al. (U.S. Patent No. 5,860,059 – hereinafter “Aust”). Of these, claims 1, 19, and 27 are in independent form.

In the “Response to Arguments” section of the final Office Action, the Office Action continues to allege that Williams teaches the combined use of SALT and VoiceXML programming. Applicant strongly disagrees and respectfully submits that the Examiner continues to misconstrue the disclosure of Williams. In particular, in citing paragraph [0015] of Williams

the Examiner asserts that Williams teaches combining different voice-capable markup languages. However, Applicant points out that in paragraph [0015] Williams states that “IVR systems can be programmed using Voice Extensible Markup Language (VXML), and/or other speech or voice-capable markup languages” (emphasis added). The language “and/or other speech or voice-capable markup languages” refers to the subject of the sentence, namely “IVR systems” (emphasis added on the plurality). In this manner, Williams is referring to a sample of a group of IVR systems and is stating that, when viewing the group of IVR systems, some of the systems in the group use Voice XML and some of the systems in the group use SALT. The language “and/or other speech or voice-capable markup languages” in paragraph [0015] does not refer to a system or that a single IVR system uses both VoiceXML and SALT. In fact, within the text of paragraph [0015] Williams expressly clarifies this point. Williams states that “[A] voice-capable markup language application, for example a VXML, SALT, or CCML application, can include one or more text files” (emphasis added) (paragraph [0015]). Again, Williams is stating that a voice-capable application is a VXML application, SALT application, or CCML application and does not combine the use of different languages.

Moreover, when this portion of Williams (i.e., paragraph [0015]) is read consistently with the remaining disclosure of Williams, it becomes even more clear that Williams does not disclose combining the use of different voice capable markup languages in an IVR system. As previously mentioned, Williams expressly states that “The term ‘voice-capable markup language’ refers to one of a variety of extensible markup languages” (emphasis added) (see paragraph [0035]). Williams goes on to state that while the disclosure of Williams is described for VXML voice-capable markup language, the disclosure can be applied using any voice-capable markup language (emphasis on the singularity) (see paragraph [0035]).

Moreover, even if paragraph [0015] of Williams is misconstrued and interpreted to disclose that which the Examiner asserts, the Williams reference still does not provide a *prima facie* case of obviousness with respect to Applicant’s claims. Williams does not provide any disclosure of how two programming languages (e.g., VoiceXML and SALT) could be combined. Williams especially does not teach or suggest the features recited in Applicant’s claims. With

respect to claim 1, the cited section of Williams, as well as the entire Williams reference, makes no mention of and does not suggest embedding SALT tags within a VoiceXML module. The sections of Williams cited as allegedly disclosing embedding SALT tags in a VoiceXML module (i.e., paragraphs [0015], [0061], and [0063]) instead only disclose an IVR system using one type of voice-capable markup language and does not reference embedding any type of tag in another module. For instance, paragraph [0061] states that test scripts are generated for an IVR VXML application. Further, paragraph [0063] states that voice application 300 has a voice-capable markup language that is VXML. Nowhere is a tag embedded in a VoiceXML module as claimed.

Further yet, the alleged temporal triggers cited by the Office Action (i.e., the alleged temporal relationship between two prompts) is not an object in a SALT module having a temporal trigger that initializes an operation associated with a VoiceXML module. Instead, the cited prompts of Williams are part of a call flow that is used to generate the test scripts using only VoiceXML and does not teach or suggest combined use of VoiceXML and SALT as claimed.

In sum, even if Williams is misconstrued and interpreted to disclose combining VoiceXML and SALT programming, any extension of Williams to teach or suggest the particular features of claim 1 is simply an improper characterization of the reference. In alleging that Williams discloses all of the features of claim 1, the Office Action misconstrues a portion of text (paragraph [0015]) in the background of Williams; the Office Action then uses the misconstrued section to modify the teachings of Williams, even where Williams makes it explicitly clear, in numerous sections, that an IVR voice-capable application includes a single markup language and is not a combination of languages.

For at least the above reasons, it is respectfully submitted that independent claim 1 is neither taught nor suggested by the cited reference(s) and is in allowable form.

With regard to independent claim 19, Applicant respectfully submits that the cited Williams reference at least does not teach or suggest a VoiceXML module and a SALT module as claimed. Moreover, Williams also does not teach or suggest a VoiceXML module that

declares first and second VoiceXML fields and instantiates a form interpretation algorithm for filling the first and second VoiceXML fields and a SALT module that initializes a recognition event to obtain speech input and fill the first and second VoiceXML fields. For at least these reasons, it is respectfully submitted that independent claim 19 is neither taught nor suggested by the cited reference(s) and is in allowable form.

With regard to independent claim 27, Applicant respectfully submits that the cited Williams reference at least does not teach or suggest a VoiceXML module for executing instructions in a defined order based on an execution algorithm and an object oriented operation embodied in a SALT module that is performed upon encountering an object associated with the instructions. Moreover, the cited Williams reference also does not teach or suggest using a VoiceXML module for executing instructions for processing events associated with at least two of speech recognition, DTMF recognition, speech prompting, and platform messaging and performing an operation embodied in a SALT module to provide one of but not all events in the dialogue associated with speech recognition, DTMF recognition, speech prompting, and platform messaging as recited in independent claim 27. For at least these reasons, it is respectfully submitted that independent claim 27 is neither taught nor suggested by the cited reference(s) and is in allowable form.

Further, Applicant submits that related dependent claims 5-18, 20-26, 28-29, and 32-38 are also in allowable form at least based on their relation to independent claims 1, 19, and 27, discussed above.

Conclusion

For at least the reasons discussed above, Applicant respectfully submits that all pending claims are in condition for allowance. Reconsideration and allowance are respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: /Christopher J. Volkmann/
Christopher J. Volkmann., Reg. No. 60,349
900 Second Avenue South, Suite 1400
Minneapolis, Minnesota 55402-3244
Phone: (612) 334-3222
Fax: (612) 334-3312

CJV:lah